THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.7076 of 2006

Dated 18-04-2006

Between:

K. Ramakrishna.

..... PETITIONER

AND

The Commissioner of Prohibition and Excise,

Nampally, Hyderabad, and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.7076 of 2006

O R D E R:

The petitioner seeks a declaration that the action of the first respondent-Commissioner of Prohibition and Excise in not considering the request of the petitioner for release of his vehicle bearing registration No.AP 16 X 968 by levying compounding fee is arbitrary and illegal.

The material on record shows that the vehicle in question was seized on 09-03-2006 by the Prohibition and Excise Inspector, Donekal, on the allegation that 2100 arrack sachets were being transported in the said vehicle. A case was booked in Crime No.277/2005-06 of Prohibition and Excise, Uravakonda P.S. under Section 7 (A) r/w Section 8 (e) of the Andhra Pradesh Prohibition Act, 1995 (hereinafter referred to as 'the Act') and further proceedings are still pending. Meanwhile the petitioner sought for interim custody of the vehicle in question. Having considered the same, the Deputy Commissioner of Prohibition and Excise, Anantapur, by order dated 28-03-2006, ordered release of the vehicle in question on furnishing F.D.R. for the value of the vehicle as assessed by the Motor Vehicle Inspector and subject to further condition that the owner files an undertaking that the vehicle will not be sold or transferred to any third party pending disposal of the confiscation proceedings. It also appears from the said order that the value of the vehicle was assessed by the Motor Vehicle Inspector, Guntakal, at Rs.2,70,000/- and accordingly the petitioner was directed to furnish Bank Guarantee/FDR for the said

amount.

While so, the petitioner filed an application dated 31-03-2006 before the Commissioner of Prohibition and Excise requesting to compound the offence under Section 47 of the A.P. Excise Act 1968 and seeking release of the vehicle stating that he is unable to fulfill the condition of furnishing the Bank guarantee as ordered by the Deputy Commissioner. It is further stated that under similar circumstances the Deputy Commissioner of Prohibition and Excise, Kurnool, by order dated 28-07-2005, while imposing compounding fee of Rs.10,000/- directed release of the vehicle.

The grievance of the petitioner in this writ petition is that the first respondent failed to consider his application and no orders have been passed so far.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents and keeping in view that the application made by the petitioner dated 31-03-2006 is still pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the request of the petitioner for compounding the offence and to pass appropriate orders in accordance with law as expeditiously as possible within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

Date:18-04-2006

Note: Issue CC in two days.

B/o

ghn